8. The management of intellectual property in the digital business ecosystem¹

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INTRODUCTION

Information technology (IT) has increased the capacity to capture, store, process and transmit data. These features have enabled a wide array of applications and its pervasive use today is observed in all realms of activity – business operations, public sector services, educational facilities, the household and so on. Indeed, the use of IT is widely acknowledged to bestow an assortment of benefits, such as cost savings and other forms of efficiencies. Yet IT can be a double-edged sword. Its ability to capture and transmit information at the click of a key can just as easily facilitate information loss and leakage (advertent and inadvertent) with the same easy action. As companies increase their use of digital networks to manage their internal and external processes, the potential for such losses increases, despite attempts by organizations to protect against them. The use of IT and electronic networks thus increases the risk of all forms of intellectual property (IP) to misappropriation or leakage, inadvertent or otherwise. Enhancing the security of networks is now a thriving business. Yet network security is more than just adding more IT-based solutions. Instead organizations must know and address appropriately the risks that such use engenders.

This chapter analyses the nature of the problems posed by IP management in shared digital environments (SDEs), which form an integral element of the digital business ecosystem. The chapter discusses a range of approaches to their solution. Our main concern here is the management of information and data whose disclosure or unauthorized use can generate a loss of commercial advantage to its owner. Although strictly speaking, not all IP falls within this category,² we retain the use of the term IP for convenience, as it is also the term commonly used to refer to departments, groups and experts dealing with the formal (intellectual property rights – IPR) and informal protection of commercially sensitive and proprietary information.